FILED
JUN 13 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY CF DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
Ezequias DURAN-Melendrez,
Defendant.

Magistrate Case No.: '08 MJ 8532

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

COUNT I

On or about June 12, 2008, within the Southern District of California, defendant Ezequias DURAN-Melendrez did knowingly and intentionally import approximately 1.94 kilograms (4.26 pounds) of methamphetamine a Schedule II Controlled Substance into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

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COUNT II

On or about June 12, 2008, within the Southern District of California, defendant Ezequias DURAN-Melendrez did knowingly and intentionally import approximately .20 kilograms (.44 pounds) of cocaine a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
Immigration and Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13TH DAY OF MARCH 2008.

ANTHONY J. BATTAGLIA
U. S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Ezequias DURAN-Melendrez

STATEMENT OF FACTS

This Statement of Facts is based on the reports, documents, and notes furnished to United States Immigration and Customs Enforcement Special Agent Rafael Silva.

On June 12, 2008, at approximately 1025 hours, Ezequias DURAN-Melendrez entered the United States from the Republic of Mexico, by foot, at the Calexico, California West Port of Entry Pedestrian Crossing.

Customs and Border Protection Officer (CBPO) Carrillo was assigned pedestrian primary inspectional duties when DURAN approached his lane for inspection. CBPO Carrillo observed DURAN'S hand shaking as he presented his border crossing card. CBPO Carrillo escorted DURAN to the pedestrian secondary office for further inspection.

CBPO Lizaola was assigned pedestrian secondary inspectional duties. CBPO Lizaola conducted a pat down of DURAN. CBPO Lizaola discovered numerous packages around DURAN'S waistline and ankles. CBPO Lizaola probed one of the packages and it produced a crystal-like substance that tested positive for methamphetamine.

A separate package produced a white powdery substance that tested positive for cocaine. A total of 6 packages were discovered, with a total weight of 1.94 kilograms (4.26 pounds) of methamphetamine and .20 kilograms (.44 pounds) of cocaine.

DURAN was arrested for violation of Title 21 United States Code 952 and 960, Importation of a Controlled Substance. DURAN was advised of his rights, per Miranda, and agreed to answer questions. DURAN admitted he knew he was smuggling methamphetamine (crystal) into the United States. DURAN stated he knew it was illegal to smuggle methamphetamine into the United States. DURAN stated he was to be paid $1,600.00 dollars to deliver the methamphetamine to the Los Angeles, California area. DURAN was processed and booked into the Imperial County Jail.